

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

BRIAN J. STRETCH (CSBN 163973)  
Chief, Criminal Division

STEPHANIE M. HINDS (CSBN 154284)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102  
Telephone: (415) 436-6816  
Facsimile: (415) 436-6748  
email: [stephanie.hinds@usdoj.gov](mailto:stephanie.hinds@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND IMPROVEMENTS  
LOCATED AT 166 LOS ROBLES DRIVE,  
BURLINGAME, CALIFORNIA, et al.

Defendants.

No. C 05-4185 SC

**MODIFICATION RE SETTLEMENT  
STIPULATION AND ~~PROPOSED~~  
ORDER**

Plaintiff, United States of America, and Claimants Eric Cai, Zhaoren Cai and Third Party Claimant CitiMortgage, Inc. ("CitiMortgage") seek to modify certain terms of the settlement agreement (hereinafter "Settlement") previously reached by the parties and adopted by the Court as they relate to the timing of payment due and owing to Third Party Claimant CitiMortgage.

Third Party Claimant CitiMortgage holds a valid lien to the defendant real property located at 166 Los Robles Drive, Burlingame, California ("defendant real property") pursuant to a Note and Deed of Trust ("Note") in the principal amount of \$646,000. On April 7, 2008, this Court issued an Order forfeiting the defendant real property to the United States and directing the government to pay CitiMortgage all monies due and owing under its Note as reflected in paragraph 8 of the Settlement. Pursuant to paragraph 9 of the Settlement, CitiMortgage was to be paid within 120 days of the Court's

entry of a final order of forfeiture and prior to the closing of escrow regarding the sale of the defendant real property. The government, however, is not able to meet that deadline. The parties now seek to modify the timing of the payment to CitiMortgage reflected in paragraph 9 of the Settlement Agreement as follows:

1. All payment due and owing to CitiMortgage shall be made within 30 days following the sale of the defendant real property and upon the closing of escrow.

2. The government shall make every effort to sell the defendant real property in a commercially feasible manner in a reasonable period of time.

3. All additional costs and fees reasonably incurred by CitiMortgage up until the final date of payment shall be included as part of the payment, including funds advanced to pay property taxes and property insurance.


4. CitiMortgage agrees that payment to CitiMortgage as set forth in paragraph 8 in the Settlement and these modifications above, shall be in full settlement and satisfaction of any and all claims by CitiMortgage to the captioned real property in this action and all claims resulting from the incidents or circumstances giving rise to this lawsuit.

5. Upon payment to CitiMortgage as set forth in the Settlement and this modification, CitiMortgage agrees to release any and all claims arising out of this action against the United States and agrees to not to pursue against the United States any other rights it may have under the Note, including the right to foreclose on the captioned defendant real property.

6. All other provisions regarding forfeiture and distribution of proceeds set forth in the Settlement and Order not inconsistent with these modifications shall remain in tact.

IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

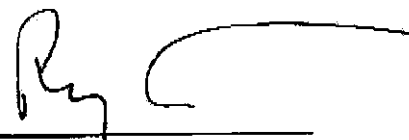
  
STEPHANIE M. HINDS  
Assistant United States Attorney

Dated: 10/14/08

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Dated:

9/30/08



RANDY MONTEFANO  
Counsel for Claimants Eric and Zhaoren Cai

Dated:

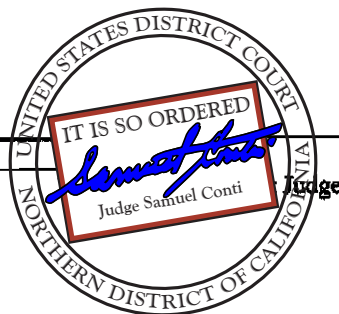
MICHAEL CHANG  
Counsel for Claimant CitiMortgage

Dated:

NATE BLACKSTUN, Claimant  
Assistant Vice President  
CitiMortgage

IT IS SO ORDERED.

DATED: 10/15/08




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RANDY MONTESANO  
Counsel for Claimants Eric and Zhaoren Cai

3 Dated: \_\_\_\_\_

  
MICHAEL CHANG  
Counsel for Claimant CitiMortgage

6 Dated: October 2, 2008

  
NATE BLACKSTUN, Claimant  
Assistant Vice President  
CitiMortgage

11 IT IS SO ORDERED.

12 DATED: \_\_\_\_\_

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SAMUEL CONTI  
United States District Judge